

## ADVISORY OPINION 92-002

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

September 16, 1992

Mr. Jerry Alleyne  
KEPAC  
401 Capitol Avenue  
Frankfort, Kentucky 40601

Dear Mr. Alleyne:

You have requested an advisory opinion from the Registry of Election Finance as to (1) whether the checking accounts of 146 local education PACs may be combined into one account; and (2) whether KEPAC may deposit \$200 into each local PAC account each year for the purpose of paying the \$200 annual fee required by SB 221.

1. Combination of Accounts. KRS 121.170(3) as amended by the 1992 General Assembly provides that:

All provisions of KRS 121.160 and Section 7 of this Act governing the duties and responsibilities of a candidate, slate of candidates, or campaign treasurer shall apply to a registered committee, except a federally registered out- of-state permanent committee, and a person acting as a campaign fundraiser.

KRS 121.160(2) establishes the duties of a campaign treasurer. One of those duties is to "designate a depository bank for all campaign funds and deposit all contributions in that depository." While subsection (5) of KRS 121.160 provides that an individual may serve as treasurer for more than one candidate, obviously separate and distinct accounts must be maintained for each candidate and separate reports are required for each candidate. While you serve as treasurer for all 146 local education PACs, to allow the separate accounts to be merged into one account under the arrangement explained in your letter for convenience or other reasons, would be analogous to allowing an individual acting as treasurer for several candidates to set up a single account for all candidates, but tracking the contributions and expenditures attributable to each candidate.

Therefore, it is the opinions of the Registry that separate accounts must continue to be maintained for each local education PAC. To do otherwise would essentially destroy the identity of each individual organization, merging them into a single committee.

2. \$200 deposit. There is nothing in the law to prohibit KEPAC from contributing \$200 to each local education PAC, nor to prohibit the local organizations from using those funds to pay the

registration fee required by KRS 121.170(5). However, this payments must be reports by KEPAC as a contribution made to those committees and receipt thereof must be reported by each local organization as a contribution received. I would also remind you that KRS 121.150(8) expressly prohibits contributions from one PAC to another for the purpose of circumventing contribution limits.

Sincerely,

Timothy E. Schull  
General Counsel  
Registry of Election Finance